

# Archived Information



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

'SEP 27 2007

Honorable Paul G. Pastorek  
Superintendent of Education  
State Department of Education  
626 North 4<sup>th</sup> Street, 12<sup>th</sup> Floor  
Baton Rouge, LA 70804-9064

Dear Superintendent Pastorek:

Thank you for your letter of September 11, 2007, in which you requested a waiver of the statutory requirement to use Restart funds to supplement, and not supplant, non-Federal funds for fiscal year (FY) 2008 on behalf of certain school districts in Louisiana. We are pleased to grant your request.

Section 102(f) of the Hurricane Education Recovery Act (HERA) requires that Restart funds be used to supplement, and not supplant, funds made available through the Federal Emergency Management Agency (FEMA) or the State. The Restart legislation does not contain a supplanting prohibition with respect to local funds. The waiver authority in Section 105(b) of HERA, as amended recently by P.L. 110-28, allows the U.S. Department of Education to waive requirements relating to the use of Federal funds to supplement, and not supplant, *non-Federal* funds. Under this authority, we are waiving, for Federal FY 2008, the requirement that Restart funds must be used to supplement, and not supplant, State funds. (There is a separate "exception" in Section 102(f)(2) of HERA that already provides flexibility with respect to FEMA funds.) As requested, this waiver applies to school districts in the parishes of Orleans, St. Bernard, Plaquemines, Cameron, Calcasieu, Vermilion, St. Tammany, Jefferson, and Washington, as well as the City of Bogalusa School District.

We recognize the ongoing challenges that you face as a result of the hurricanes and hope that the additional flexibility allowed under this waiver will enable these school districts to address more effectively the educational needs of their students.

If you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Briggs", is written over a horizontal line.

Kerri L. Briggs, Ph.D.